

ESTTA Tracking number: **ESTTA677536**

Filing date: **06/11/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211530
Party	Plaintiff J-Lynn Entertainment, LLC
Correspondence Address	NEADOM T MEDINA J LYNN ENTERTAINMENT LLC PO BOX 12365 MILL CREEK, WA 98012 UNITED STATES tamar@j-lynnentertainment.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Neadom T Medina
Filer's e-mail	tamar@j-lynnentertainment.com
Signature	/Neadom T Medina/
Date	06/11/2015
Attachments	notice of reliance 5_Opposition_91211530_F.pdf(177480 bytes)

Registration No. 3682041
For the mark ADVENTURES OF SHADOW,

Petitioner,

William T. Odonnell,

Opposition No. 91211530
(Parent)

Cancellation No. 92056491
(Child)

Pursuant to Trademark Rule 2.122(j), Opposer J-Lynn Entertainment LLC hereby introduces into evidence the following document. Exhibit 6 is the set of responses from the Applicant and his counsel from a Written Discovery request. The Applicant gave many generic objection responses to our request for documents during Discovery. These documents are relevant to show the Applicant could not supply or show sales receipts or sales records that would indicate that he used or sold any relevant products using his Mark in commerce at the time of his claimed first use in commerce or prior to this cancellation/opposition proceeding being filed.

NOR Ex. Number	Deposition Exhibit	Description	Trademark Rule	Relevance
6	6 - Medina	Responses to written discovery requests are relevant to the instant matter at hand.	2.120(j)	Responses to written discovery requests are relevant to the instant matter at hand. commerce for IC009, IC016, IC032, and IC025.

Respectfully submitted on June 9, 2015

J-Lynn Entertainment, LLC
/Neadom T Medina/
Neadom T Medina
PO BOX 12365
Mill Creek, WA 98012
440-610-5827
tamar@j-lynnentertainment.com
Petitioner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Registration No. 3682041

For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Petitioner,

vs.

William T. Odonnell,

Registrant.

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Cancellation No. 92056491
Opposition No. 91211530

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I respectfully submitted a copy on this Notice of Reliance upon the Applicant and his counsel on June 9, 2015, to the Trademark Trial and Appeal Board and to be served, via email, via FedEx, via first class mail and via the TTAB's Electronic System for Trademark Trials and Appeals (ESTTA), postage prepaid, upon:

Matthew H. Swyers
The Trademark Company
2703 Jones Franklin Road, Suite 206
Cary, NC 27518

The Trademark Company
344 Maple Avenue West, PMB 151
Vienna, VA 22180

/Neadom T Medina/
Neadom T Medina

Member
PO BOX 12365
Mill Creek, WA 98012
440-610-5827

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Registration No. 3,991,181
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Petitioner,

vs.

William T. Odonnell,

Registrant.

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Cancellation No. 92056267

**REGISTRANT'S RESPONSES AND OBJECTIONS TO
PETITIONER'S WRITTEN DISCOVERY REQUESTS**

COMES NOW the Registrant, William T. Odonnell (hereinafter "Registrant") and provides the following responses and objections to Petitioner J-Lynn Entertainment, LLC's written requests for documents.

Responses & Objections

1. For water bottles; IC 032. US 045 046 048. G & S: Purified bottled drinking water. For Films; IC 009. US 021 023 026 036 038. G & S: Motion picture films. C 016. US 002 005 022 023 029 037 038 050. G & S: Series of fiction books and paper based products. This also includes related product types in these categories that Mr. Odonnell claims to have been selling since 8-29-2007.

Response: As a threshold matter, Registrant is unclear as to what Petitioner is asking for in the instant request by simply listing goods and/or services possibly included in the underlying registration. In the spirit of cooperation, however, Registrant has attached documents generally concerning said use or said planned use.

2. Copies of official manufacturer orders of water bottles, videos, books, pictures, shirts, and all related Adventures of Shadow products prior to the claim of first use on 8-29-2007 to present day. Also the manufactures contact information for verification that items were actually ordered and manufactured and Mr. Odonnell hasn't fraudulently counterfeited the documents.

Response: Registrant objects to the instant requests on the grounds that it is overly broad and burdensome. Registrant further objects to the instant request and its insinuation of fraud. Subject to said objections, Registrant attaches documents that are responsive to this

request.

3. Copies of manufacturer shipment invoices to Mr. Odonnell for all products sold prior to 8-29- 2007 to present day.

Response: Registrant objects to the instant requests on the grounds that it is overly broad and burdensome. Subject to said objections, Registrant attaches documents that are responsive to this request.

4. Copies of customer shipment invoices for in state and out of state transactions for Adventure of Shadow products starting at 8-29-2007 to present day.

Response: Registrant objects to the instant requests on the grounds that it is overly broad and burdensome. Subject to said objection, responsive documents, if any, beyond those already attached will be supplemented at a reasonable time prior to trial.

5. Copies of sales receipts for Adventures of Shadow products sold with physical commercial address and sale dates listed on receipts starting on 8-29-2007 to present day.

Response: Registrant objects to the instant requests on the grounds that it is overly broad and burdensome. Subject to said objection, responsive documents, if any, beyond those already attached will be supplemented at a reasonable time prior to trial.

6. Copies of reports of interstate sales starting at 8-29-2007 to present day.

Response: Registrant objects to the instant requests on the grounds that it is overly broad and burdensome. Subject to said objection, responsive documents, if any, beyond those already attached will be supplemented at a reasonable time prior to trial.

7. Copies of official reporting documents from state and Federal taxes paid to the state of California and the IRS from the sales of these products since 8-29-2007 to present day.

Response: See attached. Further responsive documents, if any, beyond those already attached will be supplemented at a reasonable time prior to trial.

8. List of all stores and retailers throughout the United States that have sold Adventures of Shadow products from 8-29-2007 to present day.

Response: Registrant objects to the instant requests on the grounds that it is overly broad and burdensome. Subject to said objection, responsive documents, if any, beyond those already attached will be supplemented at a reasonable time prior to trial.

Respectfully submitted this 23rd day of July, 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

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Vienna, VA 22180

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Counsel for Registrant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Registration No. 3,991,181
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

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William T. Odonnell,

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Cancellation No. 92056267

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 23rd of July, 2013, to be served, via first class mail, postage prepaid, upon:

Neadom Tamar Medina
169 Berkshire Rd.
Avon Lake, OH 44109

/Matthew H. Swyers/
Matthew H. Swyers